

# Montana Legal Services Association

*Provide, protect and enhance access to justice.*



Amy Hall  
Supervising Attorney  
Montana Legal Services Association  
616 Helena Avenue, Suite 100  
Helena, MT 59601

Phone: (406) 442-9830 Ext. 114  
Fax: (406) 442-9817  
Toll Free: (800) 666-6124  
E-mail: [ahall@mtlsa.org](mailto:ahall@mtlsa.org)  
Website: [www.mtlsa.org](http://www.mtlsa.org)

## MEMO

EXHIBIT 2  
DATE 3/17/15  
SB 384

To: House Judiciary Committee  
From: Amy Hall, attorney with MLSA *ah*  
RE: SB 384 – no contact orders issued only after court authorization  
Primary sponsor: R. Webb  
Date: March 18, 2015

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Good morning, Mr. Chairman and members of the Committee:

My name is Amy Hall. I am an attorney with Montana Legal Services Association, a nonprofit organization that provides civil legal assistance to Montanans living in poverty. I have provided legal representation to low-income renters throughout Montana for more than nine years.

MLSA is neither a proponent nor an opponent of this bill. MLSA acknowledges that a letter of no-contact from a landlord or a tenant to the other party should not be enforceable unless it has been issued by a court of competent jurisdiction. MLSA had not heard of these no-contact letters until this bill was introduced – the no-contact issue has never arisen in one of our thousands of housing cases. If a tenant needs protection from a landlord due to threatening behavior, sexual harassment, stalking, or similar conduct, the tenant can file a petition for protection with a court of competent jurisdiction. This bill would not impact the availability of those judicial remedies.

MLSA's inquiry to this Committee is whether the events that gave rise to this bill are so widespread as to require an addition to existing landlord-tenant law. Or, perhaps these no-contact letters arise so infrequently that a change in the law is unnecessary. If we were to pass a law to cover every single situation that may arise between a landlord and a tenant, we could paper this room with those laws.

Further, it seems that the more effective way to address this issue of informal no-contact notices between landlords and tenants would be to provide training to law enforcement officers statewide so that the officers realize that these kind of informal no-contact notices are not enforceable. Even if this bill passes, the new law may not remedy the problem if law enforcement officers are not trained on its effect.

Thank you for your consideration.

### Administrative Office

616 Helena Ave., Ste 100  
Helena, MT 59601  
Toll Free: (800) 666-6124  
Phone: (406) 442-9830  
Fax: (406) 442-9817

Statewide Help Line Number ☎ 1-800-666-6899

### Websites:

[www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)  
[www.mtlsa.org](http://www.mtlsa.org)

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